

EXHIBIT 10

Hunters Capital, LLC v. City of Seattle

Mayor Jenny A. Durkan

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HUNTERS CAPITAL, LLC, et al.,)
)
Plaintiff,)
)
vs.) No. 20-cv-00983
)
CITY OF SEATTLE,)
)
Defendant.)

VIDEOTAPED VIDEOCONFERENCE DEPOSITION

UPON ORAL EXAMINATION OF

MAYOR JENNY A. DURKAN

Seattle, Washington

(All participants appeared via videoconference.)

DATE TAKEN: DECEMBER 8, 2021

REPORTED BY: CINDY M. KOCH, RPR, CRR, CCR #2357

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1 people who could look at restoring Cal Anderson Park and
2 deal with some of the maintenance and graffiti issues
3 there. We had the graffiti people who were going to
4 come and address the businesses. We had Public
5 Utilities there to do additional trash and litter
6 cleanup, in addition to removing all of the tents and
7 other things that accumulated.

8 So the plan had to be a holistic one. I was
9 not -- I had not heard at any point that the City had
10 done that, but, you know, Mami Hara would be in the best
11 position to -- to say what those efforts had been and
12 whether they were successful.

13 MR. WEAVER: Okay. So let's go ahead and
14 take -- let's go off the record.

15 THE VIDEOGRAPHER: Off record. Time now,
16 11:10 a.m.

17 (Recess from 11:10 a.m. to 11:24 a.m.)

18 THE VIDEOGRAPHER: Back on the record. The
19 time now is 11:24 a.m.

20 E X A M I N A T I O N (Continuing)

21 BY MR. WEAVER:

22 Q. So we talked about your personal visits to
23 CHOP. I think you mentioned that some of your staff was
24 also visiting the area between June 8th and June 30th;
25 is that correct?

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1 A. Yes. There -- there was -- members of my staff
2 were up and around that area, I think, frequently.

3 Q. Okay. So what members of your staff were
4 there, that you know of?

5 A. I think it varies, depending on the day, but
6 during that period of time, I know that Deputy Mayor
7 Sixkiller was there, my chief of staff Stephanie Formas,
8 Deputy Mayor Ranganathan. Those are the ones in the
9 mayor's office.

10 I also had business outreach people during that
11 period of time that changed a little bit, but it was a
12 woman by the name of Sabrina who was reaching out
13 regularly to businesses, and I think visiting them.

14 I think we also had people from Department of
15 Neighborhoods go at occasional times. But those are the
16 people that I recall from my office being in the area
17 and Capitol Hill during that period of time.

18 Q. Did you receive reports back from those people
19 about what they were observing during their time at
20 CHOP?

21 A. Yeah, I'm not sure I'd call them reports.
22 There wasn't anything written or formal. But it would
23 be, you know, feedback. As you know, we were -- I was
24 getting updates, and it would kind of give me an update
25 on where we were, what the issues were, and so I would

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1 get those kinds of reports back.

2 Q. Was that roughly on a daily basis that you'd
3 hear from somebody about what -- where you were and what
4 was going on up in CHOP?

5 A. You know, I don't know -- I wouldn't say if it
6 was on a daily basis, and sometimes it could probably --
7 people would tell me what was going on more than once in
8 a day.

9 I think it really depended not just on what was
10 going on in Capitol Hill, but what was happening in
11 other parts of the city that was taking my attention.
12 It was -- during that period of time, there was a lot
13 going on.

14 And so obviously we devoted the resources.
15 That's why members of my staff were reaching out
16 directly and helping there, but there were other things
17 that I was required to do, everything from, you know,
18 pandemic planning to some of the activities that we were
19 afraid that the president was going to do. So it was a
20 really busy time.

21 Q. Did you ever feel like you had a lack of
22 information or that you wanted more information than you
23 were getting about what was happening on the ground in
24 CHOP?

25 A. I don't think that I had a lack of information.

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1 I think, you know, the one reason I rode my bike up
2 there is, I always like to see things myself.

3 Q. So we talked a little bit about the
4 pre-June 8th protests. What was your understanding of
5 what those protests were about primarily?

6 A. So the -- the primary focus of those protests,
7 you know, was obviously in -- came out of the murder of
8 George Floyd. And you saw those protests not just here
9 in the city of Seattle, but -- and not just nationally,
10 but globally.

11 And the -- really, the center of it, I think,
12 was, is that it was a -- in support of Black lives and
13 how we could change our society's, you know, longtime
14 established practices that really had excluded
15 African-Americans from so much of the opportunity in our
16 country. And that, while it was focused on policing,
17 the topics were so much broader than that.

18 And the meetings I was having with community
19 was really generational disinvestment and lack of
20 opportunity, everything from access to healthcare, to
21 housing, to educational justice, to employment.

22 And so the protests were, you know, Black Lives
23 Matter. It started because of police conduct, but it
24 really went to where we were as a society about all the
25 systemic racial inequity barriers that had existed for

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1 So our discussions then shifted with Black
2 Lives Matter Seattle-King County, is like, what would
3 that look like and what purposes do you need. And then
4 how do we kind of make sure that we satisfy both why the
5 community wants it, but then also can take the precinct
6 off the table.

7 And the solution ended up being that Black
8 Lives Matter Seattle-King County was able to designate a
9 longtime community member person who had worked in and
10 around policing issues, Reverend Harriett Walden, who
11 was a very strong supporter of keeping the precinct as a
12 precinct. They were willing to put her as the person
13 who would work with the City on the future of the
14 precinct, and that gave us what we needed.

15 Then we had the community support to return
16 policing to the precinct, and community support to
17 create this other kind of center of -- of activity for
18 things. But we had to deal with all of those things at
19 the same time.

20 You know, without community support, there's no
21 doubt in my mind that the city council may have just
22 acted to require that become a community center, and
23 then we would have had incredible challenges.

24 Q. What were some of the other areas for the
25 community center that the City explored for a Black

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1 Lives Matter headquarters?

2 A. You know, over time there was a number of
3 places. We looked at the -- the -- a location directly
4 adjacent to the precinct, in the -- The Riveter location
5 that had gone. We'd looked at -- there was a building
6 across the street from Mount Zion church. There was
7 some discussion at one point as to whether we could
8 utilize Miller Community Center for some or all of these
9 purposes.

10 So -- and that changed over time too in terms
11 of what -- what the Black Lives Matter Seattle-King
12 County itself wanted, whether they were going to buy a
13 building, whether they were going to lease a building,
14 whether -- and so it was a -- it was an evolving
15 discussion.

16 Q. So what was the Mount Zion church location?

17 A. There's a small building that is west of Mount
18 Zion church that I believe was being used as kind of a
19 youth support services at the time, and they were
20 exiting the building, and that it might be -- you know,
21 it's a -- really a place of historic importance for the
22 Black community, not just because of the location of
23 Mount Zion, but because of the location in the Central
24 District.

25 I can't remember the exact address, but it

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1 was -- that was a building there. I think we looked at
 2 it at some point in time and it was determined that
 3 maybe it might not be suitable. There was ongoing
 4 discussions with that.

5 And again, you know, at one point there was
 6 some discussion about whether the Miller Community
 7 Center could be utilized by some of the Black-led
 8 organizations.

9 Q. So with regard to the Mount Zion location, or
 10 the building near or in Mount Zion, what was -- what
 11 options were explored there? Would the City buy the
 12 location? Would the City assume a lease for that
 13 location? What was -- what was the plan there?

14 A. I don't -- I don't recall specifically because
 15 it was really iterative. For a while there was focus on
 16 that, and I can't remember exactly what time frame. My
 17 recollection of the framework was, is that the entity
 18 itself would purchase it, but that it might be supported
 19 by contracts to the organizations who were there through
 20 the Human Services Department, or that it may be a
 21 co-location for those people that we already had
 22 contracts with supporting. It was -- you know, I would
 23 get pretty summary oral reports back at different times
 24 on where we were.

25 Q. Was this in June of 2020 that this -- those

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1 discussions were going on with Mount Zion?

2 A. No, it wasn't Mount Zion. It was near Mount
3 Zion.

4 Q. Okay.

5 A. Yeah. I don't recall the time frame. I -- you
6 know, the -- I -- I can't tell you the answer to that.
7 I know that the discussions with Black Lives Matter
8 Seattle-King County Chapter, you know, continued on for
9 a period of time, and so I couldn't give you an exact
10 time frame on that.

11 Q. How about The Riveter space that you mentioned?
12 How did that come up to be a possible location?

13 A. That came up because the -- you know, as I
14 said, we -- we very much knew we needed to keep the
15 police in the police precinct. But there was a huge
16 desire and need by members of the Black community and
17 other communities of color to actually have physical
18 space that represented what I talked about before, a
19 place that you could have maybe a truth and
20 reconciliation center to work on those issues about
21 policing in the Black community, support the Black-led
22 organizations like Community Passageways, which deals
23 with violence and eruption, or Choose 180, which does
24 the same thing for youth.

25 And so there was a discussion about what would

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1 that look like. And I happen to know that the space in
2 there was vacant, or I thought it was, and so we -- we
3 looked at that space.

4 I think I made an introduction to my team to
5 the -- I can't remember if it was to The Riveter itself
6 first or to the landlord, but made those introductions.
7 And I knew because I -- I knew the people who started
8 The Riveter. I had been an investor early on, and knew
9 the space was empty, and it was perfect in many ways
10 because it was built just for that kind of thing.

11 It's a space that was like a We Works. It had
12 lots of different rooms it had used for kind of
13 entrepreneurial presentations and businesses and
14 start-ups, and physically would be good.

15 And it was right next to the precinct, so you
16 could have that truth and reconciliation, you know, the
17 first in the nation to have this kind of almost
18 co-located spot between the police department and Black
19 Lives Matter Seattle-King County. Could have been super
20 exciting, and so that's where the -- the kind of idea
21 for that came.

22 Q. So it was -- you were the one that initially
23 identified The Riveter space as a possibility; is that
24 correct?

25 A. That's correct.

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1 Q. And then you contacted The Riveter, the people
2 you knew previously from The Riveter --

3 A. Yeah, just to see if the space was actually
4 still empty, and whether they -- they had a lease or
5 what the status of it was.

6 Q. And what did you find out?

7 A. My under- -- my recollection is, is that, yes,
8 they still had the lease, and the landlord was Hunters
9 Capital. And so I introduced the people on my senior
10 team -- I don't remember who it was -- to them, and I
11 actually -- I think I spoke with Mike Malone of Hunters
12 Capital to say, you know, this is an idea we have, you
13 know. Is it something that you would be willing to at
14 least explore? Not to be -- you know, promise that they
15 could go forward.

16 And then I stepped out of all the discussions
17 and negotiations.

18 Q. Why did you step out from the negotiations?

19 A. We had contacted the Seattle Ethics and
20 Elections. Because I had made an initial investment in
21 The Riveter, wanted to make sure that there wouldn't be
22 either an actual conflict or the appearance of a
23 conflict.

24 And it was their best recommendation, because
25 there could be an appearance of some benefit, that I

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1 step out and not have any involvement in the ongoing
2 discussions and negotiations.

3 Q. And so -- and you were still -- were you still
4 friends with the owners of The Riveter?

5 A. I -- we were never friends, social friends. I
6 knew them, and I knew Mike Malone, who was also a
7 friend.

8 Q. And was -- were the -- were the owners of The
9 Riveter, did they ever contribute to your campaigns,
10 that you know of?

11 A. I have no idea. The person I contacted was Amy
12 Nelson, who was the founder, and that's -- you said
13 owners, plural, but she's the only person that I
14 contacted.

15 (Exhibit No. 5 marked.)

16 MR. WEAVER: Okay. I've dropped an exhibit
17 in there, Exhibit 5.

18 MR. HARRIGAN: If we're changing the
19 subject, is this a good time for lunch? It's up to you.

20 MR. WEAVER: We aren't changing the subject.
21 If I can get ten minutes, I think we can get done with
22 this, and then we can take lunch --

23 MR. HARRIGAN: Okay.

24 MR. WEAVER: -- if that's okay.

25 MR. HARRIGAN: Okay.

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1 C E R T I F I C A T E

2

3 STATE OF WASHINGTON

4 COUNTY OF PIERCE

5

6 I, Cindy M. Koch, a Certified Court Reporter in
7 and for the State of Washington, do hereby certify that
8 the foregoing transcript of the deposition of Jenny A.
9 Durkan, having been duly sworn, on December 8, 2021, is
10 true and accurate to the best of my knowledge, skill and
11 ability.

12 IN WITNESS WHEREOF, I have hereunto set my hand
13 and seal this 29th day of December, 2021.

14

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20 My commission expires:

21 JUNE 9, 2022

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